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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/663,236	09/15/2003	Eric J. Larsen	SONYP029	3753
25920 7590 08/31/2007 MARTINE PENILLA & GENCARELLA, LLP 710 LAKEWAY DRIVE SUITE 200 SUNNYVALE, CA 94085			EXAMINER OMOTOSHO, EMMANUEL	
			ART UNIT	PAPER NUMBER
			3714	
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			08/31/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/663,236

Applicant(s)

LARSEN ET AL.

Examiner

Emmanuel Omotosho

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 July 2007.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26,28-44 and 46-57 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26,28-44,46-57 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. Claims 1-26,28-44 and 46-57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kang US Patent 6,009,210 and further in view of Kanade et al. US Patent 6,151,009.

4. Kang teaches a method for processing interactive user control for a view of a scene comprising:

5. In regards to claims 1,14,22,25,28,34,35,39,43,46,47,52,53,57

- a. Identifying a head of a user that is to interact with the scene (Col 1 lines 43-47 and Col 3 lines 29-32)
- b. Storing an initial frame of image data representing the head of the user (Col 3 lines 29-35)

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- c. Tracking the identified head of the user during display of the scene, the tracking enabling detection of a change in position of the head of the user
(Abstract)
 - d. Tracking including identifying a search region within a frame of the scene and comparing values within the search region to template values of the initial frame of the stored image data; adjusting a view frustum (which is being interpreted as the "view of the user into the virtual world") in accordance with the change in position of the head of the user (Col 2 lines 34-43 and Col 3 lines 4-21)
 - e. Repeating the identifying the search region, the comparing, and adjusting for successive frames of the scene, wherein the comparing is performed with the initial frame of the stored image data (Col 2 lines 34-43 and Col 9 lines 17-44)
 - f. A computing device and a display screen in communication with the computing device configured to display image data defined through a view-frustum (Fig 1)
 - g. Tracking device is a camera (Fig 1)
6. In regards to claims 2,15,53, a view frustum initially defined by a triangular gaze projection set between outer edges of a virtual window and a virtual position of the head when the virtual position of the head is normal to a center point of the virtual window (Figs 1-3)
7. In regards to claim 3,16,23-24,53 adjusting the view-frustum moves the virtual position of the head away from normal relative to the center point of the virtual window (Col 2 lines 34-43)

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8. In regards to claim 4,17, virtual position of the head being away from normal relative to the center point of the virtual window changes an angle of the triangular gaze projection, the change in angle of the triangular gaze projection displays a change in viewing angle of the scene provided by the video clip (Col 4 line 60- Col 5 line 49)

9. In regards to claim 5, the change in viewing angle of the scene is a result of the detected movement of the head of the user to enable the interaction with the scene (Col 4 line 60- Col 5 line 49)

10. In regards to claim 1,6-7,14,22-23,26,28-29,31,34,39,41,42,46,49,50,52 Kang fail to specifically teach

h. Adjusting a scale of the scene according to a change in a distance of the head of the user from a capture device

i. Using a capture device having depth-capturing capability.

11. Kanade teaches the use of a depth capturing camera for interaction with a view of a scene (abstract)

12. One of ordinary skill in the art, at the time of the invention, would have been motivated to have a system that interacts with a view of a scene using depth capturing device to adjust a scale of the scene according to a change in a distance of the head of the user from the capture device. Using a depth camera, the system would be able to

j. Obtain distance or depth information from the object being tracked
(inherent of "depth camera")

k. Determine any interaction such as occluding, shadowing, reflecting or colliding (Kanade abstract)

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- I. Generate appropriate output based on said determination (Kanade abstract)
13. In regards to claim 8,30, the initial frame of image data is marker-less (Fig 1)
14. In regards to claim 9, the initial frame of data is maintained throughout the video clip (Fig 1)
15. In regards to claim 10,48,54 the video clip is of a video game. Although Kang teaches the method to be generally associated with virtual environment in computer systems, Kang further teaches that video games are well known in the art as virtual environment in a computer system (Col 1 lines 26-40)
16. In regards to claim 11, the interaction with the scene by tracking movement of the head of the user is independent of user hand-held controls for interacting with the video game (Col 1 lines 5-9)
17. In regards to claim 12,32,40,55, the method operation of tracking the identified head of the user during display of the video clip includes tracking a facial portion of the head and matching gray scale image data associated with the facial portion to image associated with a template of the facial portion (Col 9 lines 20-33)
18. In regards to claim 13,18-20,24,26,33,35,41,42,44,50,56, the method of adjusting a view frustum in accordance with the change in position of the head of the user includes identifying a point of interest of the scene of the video clip and modifying the view-frustum so that the point of interest appears at a constant position when displayed in successive video clips (Kang Claim 6). The Examiner should point out that each

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frame in Kang's disclosure has to be scanned before the scene transformation could occur.

19. In regards to claim 21,36-38,49-51, the method operation of translating a view frustum in accordance with the change in position of the head of the user includes rotating the view-frustum about the head of a user according to the change in position of the head of the user (Kang Claim 5)

Response to Arguments

Applicant's arguments filed 7/16/07 with respect to claims 1-26,28-44 and 46-57 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Emmanuel Omotosho whose telephone number is (571) 272-3106. The examiner can normally be reached on m-f 10-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

EO



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SUPERVISORY PRIMARY EXAMINER